

Serial No. 10/030,188
Reply to Office Action of Aug. 12, 2003

- 32 -

REMARKS

The claims have been amended in accordance with the Examiner's restriction requirement.

Claim 29 has been rewritten in independent form. On further consideration, it appeared to be more appropriate for Claim 29 to be written in independent form, because the known compound 4-[(3-ethoxybenzoyl-D,L-phenylglycinyl)aminomethyl]-1-[4-chlorobenzyl]piperidine, disclaimed in a previous amendment to Claim 1, was not disclosed in the present application as originally filed. It falls within the scope of Claim 29.

New Claim 36 is supported by the disclosure at page 10, lines 27-28 of the specification.

INVENTORSHIP

It is believed that no amendment of the inventorship is required upon restriction of the application.

RESTRICTION UNDER 35 U.S.C. § 121 and 372

The Examiner requests restriction of the application under 35 U.S.C. § 121 and 372 to one of six groups of inventions, identified in the Official Action as Groups I to VI.

Applicants hereby elect to prosecute the invention of Group I in this application (Y is CR_{1b}; Cy is a homocyclic group). The Election is made without traverse.

Applicants understand that the Examiner intended to include the values of all non-heterocyclic groups for Cy within Group I. Thus Group I includes compounds in which Cy

Serial No. 10/030,188
Reply to Office Action of Aug. 12, 2003

- 33 -

represents unsubstituted or substituted phenyl (including methylenedioxyphenyl), naphthyl and cycloalkyl.

The Examiner is asked to note that Applicants have voluntarily further restricted the definition of Y in this application to CH, the value of original claim 16.

Applicants reserve the right to pursue claims to any of the non-elected inventions in a divisional application.

ELECTION OF SPECIES UNDER 37 C.F.R. § 1.141

The Examiner requests the Applicants to elect a single species for examination under 37 C.F.R. § 1.141.

Applicants elect the species of Example 13.

The species of Example 13 corresponds with formula (I) in which:

R₂ is indol-6-yl; X-X is CONH; Y is CH, Cy is phenyl, L is CONHCH₂ and Lp(D)_n is 1-cyclopentylpiperidin-4-yl.

Claims 1 - 15, 17 - 18, 21 - 26, 29, 32 - 36 read on the elected species.

CLAIM FOR PRIORITY UNDER 35 U.S.C § 119

Applicants have noted that the Examiner has not acknowledged receipt of certified copies of the priority documents. Certified copies of the priority documents have been received from the Applicants by WIPO. A copy of PCT Form PCT/IB/304 confirming receipt is attached. The undersigned has telephoned WIPO in Geneva, and understands that the proper course of action, when the USPTO notes that the priority documents have not been forwarded by WIPO, is for the USPTO to request these directly from WIPO. The Examiner is kindly asked to contact the undersigned if he disagrees with the

Serial No. 10/030,188
Reply to Office Action of Aug. 12, 2003

- 34 -

advice given by WIPO, so that this matter does not get overlooked.

INTERVIEW SUMMARY

It is noted that the Examiner was unable to contact the undersigned, and hence that no telephonic communication took place between the undersigned and the Examiner.

FUTURE COMMUNICATION BY TELEPHONE

If the Examiner wishes to speak by telephone with the undersigned in the future, the undersigned can be contacted by e-mail at martinahay@martin-a-hay.com, and would be pleased to telephone the Examiner in response. Alternatively, the Examiner can contact Linda McDonald at (317) 433 7140 and leave a message, which will be forwarded to the undersigned.

Respectfully submitted,

Martin A Hay
Hay, Martin Alexander

Agent for Applicants
Registration No. 39,459
Phone: 011 44 1625 500057
e-mail: martinahay@martin-a-hay.com

Martin A. Hay & Co.,
13 Queen Victoria Street
Macclesfield
Cheshire
SK11 6LP
UNITED KINGDOM

September 13, 2003